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	6	canderson@marquisaurbach.com jbenson@marquisaurbach.com Attorneys for Defendants LVMPD, Eager & Frederick		
	7 8	UNITED STATES DISTRICT COURT		
	9	STATE OF NEVADA		
	10	JOYCE ZAIC,	I VII VIRIOIR	
	11	Plaintiff,	Case No:	2:10-cv-01814-PMP-LRL
	12	VS.		
	13 14	LAS VEGAS METROPOLITAN POLICE DEPARTMENT, a political subdivision of the STATE OF NEVADA; DANIELLE PIEPER,		
	15	individually; B. EAGER, P#6189, individually and in his official capacity as a police officer; T. FREDERICK, P#9793, individually and in his		
	16 17	official capacity as a police officer; SUNRISE MOUNTAIN VIEW HOSPITAL, INC.; NEAL, a security guard for MOUNTAIN VIEW		
	18	HOSPITAL; CHRISTOPHER SIMMS, security guard for MOUNTAIN VIEW HOSPITAL; JOHN DOES I through X and ROE		
	19	INSTITUTIONS I through X, inclusive,		
	20	Defendants.		
	21 22	LAS VEGAS METROPOLITAN POLICE DEPARTMENT, B. EAGER, AND T. FREDERICK'S REMOVAL STATEMENT		
	23	Pursuant to the United States District Court's October 19, 2010 Minute Order concerning		
	24	removal, a copy of which is attached hereto, Defendant, Las Vegas Metropolitan Police		
	25	Department, B. Eager and T. Frederick's ("Defendants"), by and through their attorneys of		
	26	record, Marquis & Aurbach, hereby provides the following statement:		
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Case 2:10-cv-01814-PMP-GWF Document 7 Filed 11/02/10 Page 2 of 2

- 1. Defendants first received a copy of the Second Amended Complaint in the removed action on October 5, 2010.
 - 2. Defendants were served with a copy of the Summons on April 21, 2010.
- 3. Removal in this matter is based upon the Complaint including a federal question. Therefore, it is believed the Federal Court has jurisdiction over this case under 42 U.S.C. § 1983 and 42 U.S.C. § 1988.
- 4. Defendants' Notice of Removal of Plaintiff's Complaint was filed on October 15, 2010, which is less than 30 days after Defendants first received a copy of the Second Amended Complaint. The Notice of Removal was filed 30-days after the copy of the Summons was received because Plaintiff's counsel requested consent to file a first and second amended complaint. Defendants waited until the Second Amended Complaint was filed before removing the action.
- 5. This action was not commenced in State Court more than one year before the date of removal, therefore, there is no reason this matter should not summarily be remanded to State Court.
- 6. There are no Defendants who have been served before these Defendants filed their Notice of Removal who did not consent to the Notice of Removal.

Dated this _____ day of November, 2010.

MARQUIS & AURBACH

By

Craig R. Anderson, Esq. Nevada Bar No. 6882

Joshua L. Benson, Esq. Nevada Bar No. 10514

10001 Park Run Drive

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Attorneys for LVMPD, Ofc. Eager & Ofc.

Frederick